

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Claims 1-15 remain pending, with claims 8, 9, and 11-15 remaining withdrawn. Claim 1 has been amended.

The objection to claim 1 is overcome by the above amendment to correct the typographical error.

The rejection of claims 1-7 and 10 under 35 U.S.C. § 103(a) for obviousness over U.S. Patent No. 6,041,911 to Gebhart (“Gebhart”) in view of U.S. Patent No. 4,026,406 to Gazzarini (“Gazzarini”) is respectfully traversed.

Gebhart teaches a device for sorting blocks formed of concrete or concrete-like material. The sorting device includes collecting channels that are separated by run-on surfaces 18,19, fitted with stop pins 20. All of the channels terminate in a co-planar arrangement (see Figure 1).

Gazzarini teaches a machine for slicing bread that includes a tray for delivering the slices onto a conveyor. The tray contains a surface 15 that is physically separated into a plurality of channels by guides 14, with each channel terminating in a separate plane. A transverse pin 13 is present adjacent the terminus of each of the channels (i.e., spanning between adjacent guides 14) and a plurality of chutes 16 are connected to the ends of the tray surface 15, allowing for delivery of the bread slices onto a conveyor belt 17. Thus, product leaving the surface of tray 15 is not free from any encumbrance, given that the bread slices will contact pin 13 and/or chute 16 as it leaves tray 15.

The U.S. Patent and Trademark Office (“PTO”) has asserted that it would have been obvious to stagger the discharge ends of the Gebhart device in the manner taught by Gazzarini, because Gazzarini provides further means for sorting the product. Applicant respectfully disagrees.

The sorting tray of Gebhart was meant to align the concrete blocks, and further processing of the concrete blocks was merely for the purpose of aligning the blocks (so they are facing in the same direction) when there are “no significant differences between height, width, and length of the blocks.” See col. 4, lines 59-61. Staggering the termini of the tray for collection by a belt, i.e., further sorting as taught by Gazzarini, would have the effect of changing the orientation of the blocks. This act would disrupt the alignment afforded by the

Gebhart tray. For this reason, the person of skill in the art would not have been motivated to modify the tray of Gebhart in the manner taught by Gazzarini.

For the foregoing reasons, the rejection of claims 1-7 and 10 for obviousness over Gebhart in view of Gazzarini is improper and should be withdrawn.

In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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/Edwin V. Merkel/

Edwin V. Merkel

Registration No. 40,087

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1128
Facsimile: (585) 263-1600